

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JUSTIN HEWITT,

Movant,

v.

**UNITED STATES OF
AMERICA,**

Respondent.

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**No. 3:22-cv-00075
Judge Trauger**

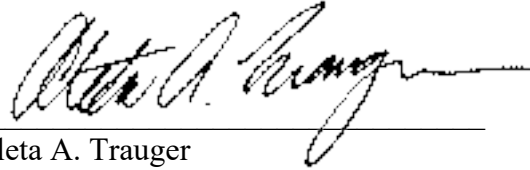
ORDER

Justin Hewitt filed a pro se motion to vacate or set aside sentence under 28 U.S.C. § 2255. (Doc. No. 1.) Two subsequent orders of the court were returned with the notation “Released,” and the movant failed to submit an amended motion as directed by the court. On July 12, 2022, the court noted that public records indicated that the movant was not in the custody of the Davidson County Sheriff’s Office or U.S. Bureau of Prisons. (Doc. No. 12.) In an abundance of caution, the court ordered the movant to show cause why this action should not be dismissed for failure to supply current contact information by submitting a current mailing address and filing the amended motion. *Id.* The court warned that failure to respond would result in dismissal. *Id.*

On August 23, 2022, the court’s order to show cause was returned as undeliverable with the notations “unable to forward” and “Released 3-10-22.” (Doc. No. 13.) At this point, there is no indication that the movant wishes to pursue this action. In any event, this action is subject to dismissal for want of prosecution, Fed. R. Civ. P. 41(b), and failure to provide a current mailing address. M.D. Tenn. L.R. 41.01(b) (“Failure of a pro se plaintiff to timely notify the Court and opposing parties of any change in address may result in dismissal of the action with or without

prejudice.”); *see also* *Carpenter v. City of Flint*, 723 F.3d 700, 704 (6th Cir. 2013). Accordingly, this action is **DISMISSED WITHOUT PREJUDICE**. This form of dismissal allows the movant to file a new habeas action, subject to all applicable rules and time limits, concerning these or other matters.

It is so **ORDERED**.

A handwritten signature in black ink, appearing to read "Aleta A. Trauger", written over a horizontal line.

Aleta A. Trauger
United States District Judge